

12/21/2017

Page 1

**ORIGINAL**

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12/21/2017

Page 2

FEMALE 1: -- under the Superfund. So the whole idea of proposing the final NPL --

MR. ROBINSON: Uh-huh (affirmative).

FEMALE 1: -- is to help us get into a posture where we can do the rest of the work that needs to be done, to get the responsible parties to the table to sign agreements with us to help move forward.

I think the other thing that is really good about what Superfund is doing here is we have been engaged in the community.

MR. ROBINSON: Uh-huh (affirmative).

FEMALE 1: So we have the North Birmingham Community Coalition that has been established. We have contractors here who have really took the community through a process to look at the concerns and learn about what can be done to

12/21/2017

Page 3

address them.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: And so they're  
coming up with an action plan right now  
that's in draft that will be finalized  
talking about things that they want to do  
in terms of health care, access to fresh  
foods, economic development, housing,  
community development so that is an  
ongoing process so I --

MR. ROBINSON: Can I stop  
you right there?

FEMALE 1: Uh-huh  
(affirmative).

MR. ROBINSON: With that  
being said, is that a part -- is that what  
you actually, in addition to the  
Superfund, that you bring as a way to  
enhance the quality of life --

FEMALE 1: Exactly.

MR. ROBINSON: -- in that  
process?

12/21/2017

Page 4

FEMALE 1: Because what we have found in so many places is when we go into do cleanups --

MR. ROBINSON: Right.

FEMALE 1: -- is that they are -- and I also read the Environmental Justice Act.

MR. ROBINSON: Uh-huh (affirmative).

FEMALE 1: There are environmental justice areas that have been impacted, the communities have been disenfranchised. You have blight. You have crime.

You have all of those things that so many of our communities are facing, so one way to do that is to try to bring people together --

MR. ROBINSON: Uh-huh (affirmative).

FEMALE 1: -- to start having those conversations --

MR. ROBINSON: Uh-huh

**BIRMINGHAM REPORTING SERVICE**  
**(205) 326-4444**



12/21/2017

Page 5

(affirmative).

FEMALE 1: -- about what can be done. So that's really what the whole coalition piece is about.

And also we're working with the federal agencies through our inner agency process to really explore what additional resources the Federal Government can bring to that area --

MR. ROBINSON: Right.

FEMALE 1: -- in terms of technical assistance, capacity building, hoping that the city will go after some major funding to help revitalize that area.

MR. ROBINSON: Uh-huh (affirmative). Now, the, the -- I guess you would look at it as being grants, any kind of funding from the Federal Government?

FEMALE 1: Uh-huh (affirmative).

MR. ROBINSON: Is that

12/21/2017

Page 6

connected to --

FEMALE 3: It's our  
convening power. So, so we start with the  
Superfund site.

MR. ROBINSON: Right.

FEMALE 3: That's what  
brought us there.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 3: But we get there  
and we look around and we see, as we see  
so frequently, that there are many other  
problems facing the neighborhoods.

And our administrator and  
especially our regional administrator have  
asked us to focus on making a visible  
difference in communities.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 3: So the one thing  
that EPA does have is, and they refer to  
it as our convening power, and that's  
what's happened here as a result of

12/21/2017

Page 7

organization around Superfund that reached out to the community that's kind of expanded to identify not only the Superfund hazardous waste issues --

MR. ROBINSON: Right.

FEMALE 3: -- we can directly address, but the other issues.

MR. ROBINSON: Uh-huh (affirmative).

FEMALE 3: And using our convening power to try to bring other resources to bear to address those, so that's the broader context.

MR. ROBINSON: Uh-huh (affirmative). And the funding that the -- whether it's the stay -- well, it probably would have to be the city to try to get any additional funding to do other things out there, is that tied to the status as being a Superfund site, or is that a requirement of being on the national -- the NPL list --

FEMALE 1: So Cynthia can

**BIRMINGHAM REPORTING SERVICE**  
**(205) 326-4444**

12/21/2017

Page 8

correct me, but, you know, I look at it like a ring. You know, if you bring in all of the federal agencies and the private parties and the city, that would be the ring.

MR. ROBINSON: Right.

FEMALE 1: And you look and see what kinds of monies and sources and funds these various parties have. And if there is a way to link what these entities have with the needs of the community --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- what helps that is when the community has a vision --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- that we can shape what it is asking for from these partners but those funds are not EPA funds.

MR. ROBINSON: Right, right.

FEMALE 1: Those are --

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**(205) 326-4444**

12/21/2017

Page 9

well, they're not all EPA funds, there might be grants from EPA or there might be HUD funds or there might be FEMA that might come in and say ooh, look at this city, it's in a mess if we have a disaster so we can -- we have funds that will help address that or whatever sources are available to try to help the community achieve its objectives. Does that --

MR. ROBINSON: Yeah, that helps me a lot, that -- because, I mean, you know what the -- I mean, if I go over there and I hear several different things from the people, I mean we have an ability to make things up.

But that's why I wanted to ask that question because it was like, well, if there are any funds that are going to come from any federal agencies you have to be on the NPL in order to get those.

(All in unison said no.)

MR. ROBINSON: That's --

12/21/2017

Page 10

FEMALE 2: The only thing the NPL is guaranteeing is a long-term cleanup for those other properties that were not --

MR. ROBINSON: Not under the --

FEMALE 2: -- deemed emergency properties.

MR. ROBINSON: Uh-huh (affirmative), right.

FEMALE 2: That's all the NPL. It's not tied to HUD funding. It's not tied to DOT funding or anything like that, so.

MR. ROBINSON: That's good. That had come up a lot of times even with Representative Moore in our conversations that she was saying that -- not that she had said that, but she had stated others had stated to her that the only way that we can get those funds we have to -- or the only way that they could get those funds they have to be on the NPL list in



12/21/2017

Page 11

order to go out to get them. And from what you're saying -- I mean the agencies are already there.

FEMALE 3: They're already there.

FEMALE 1: There's not a link, but what Superfund, what makes it so critical what it does allow us to do is to have a greater presence. It allows EPA --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- to have greater leverage as far as talking to the parties who put the pollution there in the first place.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: And bringing them to the table to try to clean up the pollution directly.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: And hopefully

12/21/2017

Page 12

achieve some of these other objectives.  
So when you have -- if we run out of --  
our removal authority is limited. The  
amount of money that we can spend using  
our emergency response authority is much  
smaller than --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- our ability to  
address sites under our remedial  
authority, and you have to be under or on  
the NPL in order for us to use remedial  
funds. If you're not on the NPL, you  
can't access those funds generally.

MR. ROBINSON: Uh-huh  
(affirmative). When you said remedial  
funds that's not like the emergency?

FEMALE 2: That's the long  
term.

MR. ROBINSON: That's the  
long term?

FEMALE 3: Yeah.

MR. ROBINSON: So the



12/21/2017

Page 13

remedial funds where do they come from?

FEMALE 2: The NPL.

MR. ROBINSON: All right.

FEMALE 2: They finalize on  
the National Priorities List.

FEMALE 1: That's right.

MR. ROBINSON: All right.

And those -- that's the federal dollars,  
or is that dollars that come in from those  
individuals you stated that --

FEMALE 2: The potentially  
responsible parties, it could be those --

FEMALE 3: We would like it  
to be their money.

MR. ROBINSON: All right.

FEMALE 2: And the state,  
the state as well.

MR. ROBINSON: And the  
state. Yeah, that's a couple of my  
questions.

And I know that initially,  
and Representative Moore brought to my  
attention about Walter Coke, that

12/21/2017

Page 14

particular business out there that has just been in the cleanup process.

FEMALE 3: They're under a RCRA.

MR. ROBINSON: Yeah, right.

FEMALE 2: So it's a different statute, but they're under that corrective action right now and --

FEMALE 1: They have an operating -- they have to have a permit to conduct their business that would allow them to -- that governs how they manage the waste that they generate as a function of operating and that's the Resource Conservation and Recovery Act. That's their RCRA permit.

MR. ROBINSON: Uh-huh (affirmative).

FEMALE 1: And that, that requires them to keep their site in a certain order, and if the contamination from their site is kind of spreading out --

**BIRMINGHAM REPORTING SERVICE  
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12/21/2017

Page 15

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- it makes them  
correct that.

MR. ROBINSON: Right.

FEMALE 1: So we're using  
that law to look at how they're operating  
and making sure that they aren't, you  
know, kind of contaminating --

MR. ROBINSON: Contaminating  
the area --

FEMALE 1: -- their  
neighbor's property and see that they are  
taking care of that.

MR. ROBINSON: So how did  
the -- another one of my questions as it  
relates to the other companies or are  
there other companies, and I heard about  
Alagasco, I mean some companies that are  
surrounding kind of the area, even going  
over to ACIPCO.

But what other companies are  
-- will be focusing under the NPL or that

12/21/2017

Page 16

you're looking at right now under the Superfund site? Is there others because I mean if -- or are you depending on Walter Coke?

FEMALE 1: No.

FEMALE 2: No, there are others.

MR. ROBINSON: All right.

FEMALE 1: The way the Superfund works and the contamination that you have out there is mixed, so it's contamination from a number of sources.

So the way the Superfund works is anybody who might have contributed to the contamination, contributed to the problem, is potentially responsible for helping to pay for the cleanup of that problem --

MR. ROBINSON: Uh-huh (affirmative).

FEMALE 1: -- so Walter Coke is one.

MR. ROBINSON: Right.

**BIRMINGHAM REPORTING SERVICE  
(205) 326-4444**

12/21/2017

Page 17

FEMALE 1: But there might be others. And if there are others, then what we would do either using our removal authority, but especially using our remedial authority is to bring everyone that we can identify that might be potentially responsible for contributing to the contamination --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- to the table to say, okay, this site needs cleaning up, what are you able or willing --

MR. ROBINSON: Willing.

FEMALE 1: -- to do, and if -- our preference is that they do it and not EPA.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: What the Superfund does is it sets out the standard for cleanup. It tells those potentially responsible parties how they have to clean

12/21/2017

Page 18

up, how well they have to clean up, what they have to do, and it requires them to pay for that.

And if they -- if we can get them to agree, great. If not, then we can use our enforcement authority to go after them.

We can use the Superfund money. We can use our taxpayer dollars to go do the work and then --

MR. ROBINSON: Okay.

FEMALE 1: -- to pursue them for repayment.

FEMALE 3: So we signed what we call notice letters of five different companies --

MR. ROBINSON: All right.

FEMALE 3: -- and I can --

MR. ROBINSON: You can send them?

FEMALE 3: Yeah, I can send them -- yeah, I just look them up and send them out, and so in addition to Walter

**BIRMINGHAM REPORTING SERVICE**  
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12/21/2017

Page 19

Coke additional companies were notified.

MR. ROBINSON: Right.

FEMALE 3: And so, yeah --

MR. ROBINSON: And -- and now I'm going to step into my state representative seat because it was stated that in order, I guess it may be the NPL, in order for it to happen, the state has to agree or sign on or something and we're in Alabama.

I'm just saying that -- if that's the -- if that's the case, being in the Legislature, we don't do anything now and then unless we're like choked to do it and almost don't have any breath left, so how does that work if the state decides say, well, you know, whatever it is you're doing up there, we're not -- we're not signing off, we're not paying anything?

FEMALE 2: I think what's important is that EPA we actually, especially region four, we pride ourselves in our relationship with our state

12/21/2017

Page 20

partners.

MR. ROBINSON: Right.

FEMALE 2: So we --

MR. ROBINSON: Because I  
hadn't -- I hadn't dealt with -- is it the  
EMA -- the --

FEMALE 2: Well, we -- our  
ADEM, the Alabama Department of  
Environmental Management --

MR. ROBINSON: ADEM, yes.

FEMALE 2: -- and our --

MR. ROBINSON: I haven't  
said anything to them.

FEMALE 2: And we continue  
to coordinate with them, and part of EPA  
policy is to get state cost share.

MR. ROBINSON: All right.

FEMALE 2: To clean up  
sites. Again, that's policy.

FEMALE 1: It's required  
under the statute.

FEMALE 2: It's required  
under the statute.



12/21/2017

Page 21

FEMALE 3: It's required.  
You have to pay a certain percentage of  
the --

FEMALE 1: Ten percent.

FEMALE 2: Oh, excuse me,  
the policy is the concurrence, you're  
right. Sorry, yeah, you're absolutely  
right.

It is required under the  
statute, it's 10 percent?

FEMALE 1: Uh-huh  
(affirmative).

FEMALE 2: 10 percent cost  
share of it.

MR. ROBINSON: All right.

FEMALE 2: The policy is the  
concurrence part, sorry.

FEMALE 1: Right. So to  
answer your question, we do have to have  
-- if the site gets on the NPL --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- and we are

**BIRMINGHAM REPORTING SERVICE**  
**(205) 326-4444**

12/21/2017

Page 22

going to do remedial action there, and we are going to spend EPA funds to do that action, the remedial action.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: Then the state has to kick in its 10 percent cost share.

So there are a number of ways we work with states on doing that. There's payments out the back. We take payment in kind. We take all -- so we understand the states and we work with them.

MR. ROBINSON: Yeah.

FEMALE 1: So the 10 percent cost share is not usually a stopper, a show stopper.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: We find ways to work with that. But I know that most states have or sometimes, especially in the south --

12/21/2017

Page 23

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- express  
concern about how they are going to come  
up with their 10 percent cost share if  
this is a remedial action.

But we go back to -- before  
we even get to EPA spending its money  
we're going to go after Walter Coke and  
ACIPCO and --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- and CSX, or  
XXX, or whoever we can to get that work  
done. We use our enforcement authority  
first.

So before we spend our  
federal dollars we'll have exhausted all  
possibilities for getting potentially  
responsible parties to take care of  
whatever needs to be done.

MR. ROBINSON: Uh-huh  
(affirmative).

12/21/2017

Page 24

FEMALE 1: And then if we  
can't do that, before we come to the state  
for their 10 percent cost share --

MR. ROBINSON: Right.

FEMALE 1: -- we're going to  
talk about how the state can make that  
payment and --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- and we're very  
flexible.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: We're a good  
creditor.

MR. ROBINSON: Right. And  
so with that, I could see those companies,  
especially the ones that are not Walter  
Coke, those that have not been in the game  
before but now they're being pulled in the  
game because of, you know, the Superfund  
and such --

FEMALE 1: (Inaudible) it's

12/21/2017

Page 25

their responsibility.

MR. ROBINSON: Yeah, or  
their responsibility.

FEMALE 1: Uh-huh  
(affirmative).

MR. ROBINSON: That they  
will use their resources to litigate the  
situation for as long as they possibly can  
if they can't come up with an agreement,  
you know, depending, I guess depending on  
how much money everybody's got, but -- or  
what responsibility do they hold, you  
know, for what portion.

FEMALE 3: I think we're  
hopeful, and this may be something you  
could help us with.

MR. ROBINSON: All right.

FEMALE 3: We're hopeful  
that these companies come together and  
form a group and work with us.

MR. ROBINSON: All right.

FEMALE 3: Not only to clean  
up the site, but to help revitalize the

12/21/2017

Page 26

area because you can't -- you can't really separate the two.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 3: Because of the communities. The communities have so many impacts and we're in conversations. We know what's needed there.

The city is very much on board with helping to revitalize that area, so we're hoping that we can get the companies to come together, work closely with us, not have to go through a lot of litigation at all.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 3: Let's just get out here and let's do what we need to do.

MR. ROBINSON: Right. And that -- that's the way it needs to be done.

FEMALE 3: And you can help us with that.

12/21/2017

Page 27

MR. ROBINSON: Yeah, yeah, I could help with that. The -- do you have to get to the NPL to force them to do it before --

FEMALE 1: Huh-uh (negative), huh-uh (negative).

MR. ROBINSON: You know what I'm saying, before --

FEMALE 1: No.

FEMALE 2: You don't.

FEMALE 1: But we have found that the NPL acts as a great motivator. Because you can get off the NPL.

MR. ROBINSON: Yeah.

FEMALE 1: There are a lot of things that we've learned about sites that get on the NPL, and one is, I mean, there is a perception that it's a bad thing.

But once a site is on the NPL, what the studies are showing is it serves as a revitalizing effect because, first of all, federal dollars are going to

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12/21/2017

Page 28

come in there and clean up the contamination, and most of these properties will then be, you know -- are reused for some beneficial purpose.

So what we have found is that Superfund actually stimulates or it's helpful, but it's definitely a motivator for people who contributed to the contamination because if they don't cooperate, the penalties are pretty high.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: If they are liable and they fail to either respond to an EPA order to do the work or to ante up for their portion of liability, then, you know, we have some pretty strong enforcement mechanisms --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- to get back at them for that.

MR. ROBINSON: What

**BIRMINGHAM REPORTING SERVICE**  
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12/21/2017

Page 29

determines their liability? You know, what -- I mean is it, is it that when it gets to or through the courts that their liability is there?

Or is it the EPA say well, you're liable for this and you have to -- you all have to share in this cost? Where does the liability -- where does it kick in I guess? Do you kind of understand what I'm saying?

FEMALE 1: Yeah. The way the Superfund works if you contribute a little bit or a lot --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- doesn't matter.

MR. ROBINSON: All right.

FEMALE 1: You're responsible for the whole thing. And what the responsible parties tend -- that's an overstatement.

There are, there are

12/21/2017

Page 30

provisions for -- there's recognition that people have different levels of contribution.

MR. ROBINSON: Yeah, yeah.

FEMALE 1: And so there are provisions to allow people to apportion their liability. I contributed 10 percent of the problem, so I'm going to, if I'm smart, come to EPA and say ooh, I did 10 percent. I'm willing to pay my 10 percent, and I'll make an agreement with you --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- to do that,  
but --

MR. ROBINSON: I mean if a company thought that now because they've already gotten the letters that they're --

FEMALE 2: Well, you know, you have to also realize it's heavily industrialized area, too, so, and a lot of the companies emitted a lot of the same --

12/21/2017

Page 31

MR. ROBINSON: Thing, yeah.

FEMALE 2: -- contaminant,  
so EPA everything we do is -- we have the  
science to back it up. We have the  
testing. We have the data that's going to  
back it up, so.

MR. ROBINSON: Uh-huh  
(affirmative). And that goes back to what  
you were saying, I mean if you put a  
little bit in there --

FEMALE 2: Yeah, yeah.

FEMALE 1: In for a penny,  
in for a pound.

FEMALE 2: Yeah.

MR. ROBINSON: You know, so  
that, that was one of my questions because  
I wanted to try to figure out exactly the,  
the responsible parties how they are going  
to be --

FEMALE 2: I think to  
Cynthia's point, your assistance with that  
would be -- right?

FEMALE 1: Uh-huh

12/21/2017

Page 32

(affirmative). So they usually organize.  
They go behind doors and they don't tell  
us what they're doing.

FEMALE 2: Uh-huh

(affirmative).

MR. ROBINSON: How, how, how  
do they know -- how do they know right now  
how much it would cost?

FEMALE 1: They don't really  
know until we do the studies and we --

FEMALE 2: Come up with a  
plan --

FEMALE 1: -- come up with a  
remedy, but this -- you know, Superfund's  
been around for a while and the technology  
there's some savvy in the area, so what  
happens is everything happens in stages so  
the PRP go -- they could go off and say  
okay, we don't know how much the remedy is  
going to cost because we don't know what  
you're going to want to do --

MR. ROBINSON: Uh-huh

(affirmative).

12/21/2017

Page 33

FEMALE 1: -- but we will agree to pay for the study. That's the first part of a Superfund action.

And they go behind closed doors and they agree who's going to pay what and they just come to EPA and sign an agreement with us --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- that requires the work, and they sort all of that liability stuff out.

MR. ROBINSON: Uh-huh  
(affirmative). Tell me about this part about the properties because I have another friend that said, you know, most of the time, and he may have been wrong, most of the time the Superfund and NPL all off that occurs, it's usually not an environment where you have so many residents.

Usually it's an industrial property or, you know, something, that's

12/21/2017

Page 34

what -- because I know we have Stockham Valve and Fitting here that was on the -- I forget the name of it, but it was under that because of the environmental hazards that were on that site.

And so, so what -- being that these individuals live on this property and continue to live on this property, what is the effects to them as it relates to property value?

Because I'm hearing, you know, the property's not going to be worth anything, and, you know, going under the Superfund or the NPL or whatever it is, the property's not going to be worth anything and they're going to -- not going to be able to sell it, you know, that kind of line of information.

And I wanted to get -- you know, I really wanted to know for sure my own self, as my father would say --

FEMALE 1: I have an answer for that.



12/21/2017

Page 35

MR. ROBINSON: My own self,  
you know, and I understand that the -- I  
mean the hazard is there, I mean  
regardless --

FEMALE 1: So for their  
property values to sustain and be in good  
condition --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- they need to  
get those properties cleaned.

MR. ROBINSON: Cleaned up,  
uh-huh (affirmative), no doubt about that.  
No doubt about that.

FEMALE 1: That's where the  
rubber hits the road. I know people often  
say, you know, it shouldn't be in a  
residential area doing cleanups and that,  
you know. And that happens, we do do  
cleanups in residential areas.

MR. ROBINSON: Right, right.

FEMALE 1: Because that's  
our job. We have to protect the public.

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12/21/2017

Page 36

So I think to look at it  
maybe as, you know, the way -- and I know  
the concerns. I've been around a long  
time about property values.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: The way to help  
the most is to get it cleaned up but also  
the revitalization.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: And the  
conversations that needs to take place,  
the work that needs to take place.

A lot of things can go on at  
the local level to help dispel that theory  
that these properties --

MR. ROBINSON: Right.

FEMALE 1: -- are not going  
to be sustainable or viable or the rates  
should be dropping or, you know.

MR. ROBINSON: Uh-huh  
(affirmative).

12/21/2017

Page 37

FEMALE 1: So you guys again can help with those kind of things from an elected official standpoint is getting together and making sure you help protect those communities --

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 1: -- as we move forward with development and clean up.

MR. ROBINSON: Yeah, that, that -- and Representative Moore had made statements about that as well, and that was -- that was really one of my concerns is that especially if these companies come out and fight as long as they can fight, how long will, you know, these properties go, number one, I mean without being cleaned up?

But because of the Superfund, they may come in and do something to clean. But I think that my issue was that once they have been declared a Superfund area and once they go

**BIRMINGHAM REPORTING SERVICE**  
**(205) 326-4444**

12/21/2017

Page 38

on the NPL, that they are -- at that point there's nothing that they can do until it's clean that is going to keep that property value at the same level.

And the thing about it is is that the person next door, you know, I might not have any contamination on my property, but my property is not worth anything either because I'm in the -- I'm in the Superfund area, you know what I'm saying?

And that's what I'm getting from that slither of folks right there in Tarrant that's in my district that -- and that's about the Tarrant other thing, but that's what I'm trying to have an answer for before it comes up on me as a Legislator in my district.

FEMALE 3: And, you know, there have been times we've met, we've worked with the real estate folks.

MR. ROBINSON: Uh-huh  
(affirmative).

12/21/2017

Page 39

FEMALE 3: We've worked with  
the property, the people who handle  
property values.

MR. ROBINSON: Right.

FEMALE 3: And tax --

MR. ROBINSON: Tax assessor.

FEMALE 3: -- and the county  
and stuff like that.

MR. ROBINSON: Uh-huh  
(affirmative).

FEMALE 3: So I think there  
are ways to work around some of the  
problems that could come up.

MR. ROBINSON: Uh-huh  
(affirmative).

(Audio file ends.)

12/21/2017

Page 40

C E R T I F I C A T E

STATE OF ALABAMA )

TUSCALOOSA COUNTY )

I hereby certify that the above  
transcript was typed by me from a DVD  
recording and transcribed true and correct  
to the best of my ability.

I further certify that I am  
neither of counsel nor of kin to the  
parties to the action, nor am I in anywise  
interested in the results of said cause.

NANCY W. PANNELL, CCR

ACCR#30-EXPIRES 9/30/18

**BIRMINGHAM REPORTING SERVICE**  
**(205) 326-4444**



12/21/2017

Page 41

| A                       |                         | B                       |                        | Conservation            |
|-------------------------|-------------------------|-------------------------|------------------------|-------------------------|
| <b>ability</b> 9:35     | 33:25,35 35:25          | <b>back</b> 22:27       | 35:31 36:23            | 14:37                   |
| 12:25 40:29             | 35:33 36:19,29          | 23:21 28:49             | 37:43                  | <b>contaminant</b>      |
| <b>able</b> 17:33 34:41 | 36:53 37:21             | 31:15,19,23             | <b>cleaning</b> 17:31  | 31:11                   |
| <b>absolutely</b> 21:21 | 38:53 39:27,37          | <b>bad</b> 27:43        | <b>cleanup</b> 10:13   | <b>contaminating</b>    |
| <b>access</b> 3:23      | <b>agencies</b> 5:19    | <b>bear</b> 7:31        | 14:11 16:43            | 15:25,27                |
| 12:35                   | 8:13 9:45               | <b>beneficial</b> 28:15 | 17:51                  | <b>contamination</b>    |
| <b>ACCR#30-EX...</b>    | 11:11                   | <b>best</b> 40:29       | <b>cleanups</b> 4:13   | 14:49 16:27,31          |
| 40:53                   | <b>agency</b> 5:21      | <b>Birmingham</b>       | 35:43,47               | 16:37 17:23             |
| <b>achieve</b> 9:25     | <b>agree</b> 18:17      | 2:45                    | <b>closed</b> 33:15    | 28:11,25 38:21          |
| 12:9                    | 19:25 33:11,17          | <b>bit</b> 29:33 31:27  | <b>closely</b> 26:31   | <b>context</b> 7:33     |
| <b>ACIPCO</b> 15:49     | <b>agreement</b>        | <b>blight</b> 4:33      | <b>coalition</b> 2:45  | <b>continue</b> 20:35   |
| 23:27                   | 25:25 30:29             | <b>board</b> 26:27      | 5:15                   | 34:23                   |
| <b>Act</b> 4:21 14:37   | 33:21                   | <b>breath</b> 19:37     | <b>Coke</b> 13:53      | <b>contractors</b> 2:47 |
| <b>action</b> 3:17      | <b>agreements</b> 2:27  | <b>bring</b> 3:45 4:43  | 16:15,49 19:9          | <b>contribute</b>       |
| 14:23 22:9,13           | <b>Alabama</b> 19:27    | 5:25 7:29 8:11          | 23:25 24:45            | 29:31                   |
| 22:13 23:19             | 20:23 40:15             | 17:17                   | <b>come</b> 9:15,45    | <b>contributed</b>      |
| 33:13 40:37             | <b>Alagasco</b> 15:45   | <b>bringing</b> 11:43   | 10:39 13:9,25          | 16:37,39 28:23          |
| <b>acts</b> 27:31       | <b>allow</b> 11:23      | <b>broader</b> 7:33     | 23:15 24:11            | 30:21                   |
| <b>addition</b> 3:43    | 14:29 30:19             | <b>brought</b> 6:21     | 25:25,45 26:31         | <b>contributing</b>     |
| 18:53                   | <b>allows</b> 11:25     | 13:51                   | 28:9 30:25             | 17:21                   |
| <b>additional</b> 5:23  | <b>amount</b> 12:15     | <b>building</b> 5:31    | 32:29,33 33:19         | <b>contribution</b>     |
| 7:43 19:9               | <b>answer</b> 21:45     | <b>business</b> 14:9,29 | 37:35,47 39:33         | 30:13                   |
| <b>address</b> 3:9 7:21 | 34:51 38:39             |                         | <b>comes</b> 38:41     | <b>convening</b> 6:13   |
| 7:31 9:21               | <b>ante</b> 28:37       |                         | <b>coming</b> 3:17     | 6:51 7:29               |
| 12:27                   | <b>anybody</b> 16:35    |                         | <b>communities</b>     | <b>conversations</b>    |
| <b>ADEM</b> 20:23,27    | <b>anywise</b> 40:37    | <b>C</b> 40:9,9         | 4:31,39 6:41           | 4:51 10:41              |
| <b>administrator</b>    | <b>apportion</b> 30:19  | <b>call</b> 18:37       | 26:19,19 37:17         | 26:21 36:33             |
| 6:35,37                 | <b>area</b> 5:25,37     | <b>capacity</b> 5:31    | <b>community</b> 2:37  | <b>cooperate</b> 28:27  |
| <b>affirmative</b> 2:17 | 15:29,47 26:9           | <b>care</b> 3:23 15:35  | 2:45,49 3:27           | <b>coordinate</b>       |
| 2:41 3:13,37            | 26:29 30:51             | 23:47                   | 7:11 8:29,37           | 20:37                   |
| 4:25,47 5:9,41          | 32:39 35:43             | <b>case</b> 19:31       | 9:23                   | <b>correct</b> 8:9      |
| 5:51 6:25,45            | 37:53 38:27             | <b>cause</b> 40:39      | <b>companies</b>       | 15:15 40:27             |
| 7:25,37 8:33            | <b>areas</b> 4:29 35:47 | <b>CCR</b> 1:53 40:51   | 15:41,43,45,51         | <b>corrective</b> 14:23 |
| 8:41 10:27              | <b>asked</b> 6:39       | <b>certain</b> 14:49    | 18:39 19:9             | <b>cost</b> 20:39 21:33 |
| 11:29,41,51             | <b>asking</b> 8:45      | 21:11                   | 24:41 25:45            | 22:21,39 23:17          |
| 12:23,39 14:43          | <b>assessor</b> 39:19   | <b>certify</b> 40:23,33 | 26:31 30:53            | 24:13 29:21             |
| 15:11 16:47             | <b>assistance</b> 5:31  | <b>choked</b> 19:35     | 37:35                  | 32:23,47                |
| 17:27,45 21:31          | 31:49                   | <b>city</b> 5:33 7:41   | <b>company</b> 30:43   | <b>counsel</b> 40:35    |
| 21:51 22:17,45          | <b>attention</b> 13:53  | 8:15 9:17               | <b>concern</b> 23:15   | <b>county</b> 39:21     |
| 23:11,31,53             | <b>Audio</b> 1:23       | 26:25                   | <b>concerns</b> 2:51   | 40:17                   |
| 24:25,33 25:17          | 39:41                   | <b>clean</b> 11:45      | 36:13 37:33            | <b>couple</b> 13:45     |
| 26:15,39 28:31          | <b>authority</b> 12:13  | 17:53 18:9              | <b>concurrence</b>     | 21:19,41                |
| 28:47 29:37             | 12:17,29 17:15          | 20:43 25:51             | <b>condition</b> 35:21 | <b>courts</b> 29:13     |
| 30:35 31:23             | 17:17 18:19             | 28:9 37:25,49           | <b>conduct</b> 14:29   | <b>creditor</b> 24:37   |
| 32:9,17,53              | 23:37                   | 38:13                   | <b>connected</b> 6:9   | <b>crime</b> 4:35       |
|                         | <b>available</b> 9:23   | <b>cleaned</b> 35:29    |                        | <b>critical</b> 11:23   |

BIRMINGHAM REPORTING SERVICE

(205) 326-4444

12/21/2017

Page 42

|   |   |   |  |   |
|---|---|---|--|---|
| CSX 23:33<br>Cynthia 7:53<br>Cynthia's 31:49  | DVD 40:25   | explore 5:21<br>express 23:13   | 31:11,29,31,35<br>31:47,53 32:15<br>32:25,29,33<br>33:9,27 34:51<br>35:17,27,37,51<br>36:21,31,45<br>37:9,23 38:45<br>39:9,17,21,29  | <b>G</b>  |
| <b>D</b>  | <b>E</b>  | <b>F</b>  |  | <b>game</b> 24:45,49<br><b>generally</b> 12:35<br><b>generate</b> 14:33<br><b>getting</b> 23:45<br>37:13 38:31<br><b>go</b> 4:11 5:33<br>9:31 11:9<br>18:19,27 23:21<br>23:25 26:33<br>32:11,43,43<br>33:15 36:37<br>37:41,53<br><b>goes</b> 31:23<br><b>going</b> 9:45 15:47<br>19:17 22:9,11<br>23:15,25 24:17<br>27:53 30:23<br>31:17,43 32:47<br>32:49 33:17<br>34:31,33,37,39<br>34:39 36:45<br>38:13<br><b>good</b> 2:33 10:37<br>24:35 35:19<br><b>gotten</b> 30:45<br><b>Government</b><br>5:25,47<br><b>governs</b> 14:31<br><b>grants</b> 5:43 9:11<br><b>great</b> 18:17<br>27:31<br><b>greater</b> 11:25,33<br><b>group</b> 25:47<br><b>guaranteeing</b><br>10:11<br><b>guess</b> 5:41 19:21<br>25:27 29:25<br><b>guys</b> 37:9 |
| data 31:17<br>DATE 1:51<br>dealt 20:17<br>DECEMBER<br>1:51<br>decides 19:39<br>declared 37:53<br>deemed 10:21<br>DEFENSE 1:25<br>definitely 28:21<br>Department<br>20:23<br>depending<br>16:13 25:27,27<br>determines 29:9<br>development<br>3:25,27 37:25<br>difference 6:41<br>different 9:33<br>14:21 18:37<br>30:11<br>directly 7:21<br>11:47<br>disaster 9:17<br>disenfranchised<br>4:33<br>dispel 36:39<br>district 38:35,43<br>doing 2:35 19:43<br>22:25 32:13<br>35:43<br>dollars 13:23,25<br>18:25 23:43<br>27:53<br>door 38:19<br>doors 32:11<br>33:17<br>DOT 10:33<br>doubt 35:33,35<br>draft 3:19<br>dropping 36:49 | E 40:9,9<br>economic 3:25<br>effect 27:51<br>effects 34:25<br>either 17:13<br>28:35 38:25<br>elected 37:13<br>EMA 20:19<br>emergency<br>10:23 12:17,41<br>emitted 30:53<br>ends 39:41<br>enforcement<br>18:19 23:37<br>28:43<br>engaged 2:35<br>enhance 3:47<br>entities 8:27<br>environment<br>33:47<br>environmental<br>4:19,29 20:25<br>34:15<br>EPA 6:49 8:47<br>9:9,11 11:25<br>17:41 19:49<br>20:37 22:11<br>23:23 28:37<br>29:17 30:25<br>31:13 33:19<br>especially 6:37<br>17:15 19:51<br>22:51 24:43<br>37:35<br>established 2:47<br>estate 38:49<br>everybody's<br>25:29<br>exactly 3:49<br>31:41<br>excuse 21:17<br>exhausted 23:43<br>expanded 7:13 | F 40:9<br>facing 4:41 6:33<br>fail 28:35<br>far 11:33<br>father 34:49<br>federal 5:19,23<br>5:45 8:13 9:45<br>13:23 23:43<br>27:53<br>FEMA 9:13<br>FEMALE 2:9<br>2:19,43 3:15<br>3:35,49 4:9,17<br>4:27,49 5:11<br>5:29,49 6:11<br>6:19,27,47<br>7:19,27,53<br>8:21,35,43,53<br>10:9,21,29<br>11:15,19,31,43<br>11:53 12:25,43<br>12:51 13:11,15<br>13:19,29,33,39<br>14:13,19,25,45<br>15:13,19,31<br>16:17,19,25,49<br>17:9,29,37,47<br>18:31,35,43,49<br>19:13,47 20:13<br>20:21,29,35,43<br>20:47,51 21:9<br>21:15,17,29,33<br>21:39,43,53<br>22:19,37,47<br>23:13,33 24:9<br>24:17,27,35,53<br>25:15,35,43,51<br>26:17,41,51<br>27:17,25,27,29<br>27:37 28:33,49<br>29:29,39,45<br>30:17,37,47 | fight 37:37,37<br>figure 31:41<br>file 1:23 39:41<br>final 2:13<br>finalize 13:15<br>finalized 3:19<br>find 22:47<br>first 11:37 23:39<br>27:53 33:13<br>Fitting 34:11<br>five 18:37<br>flexible 24:29<br>focus 6:39<br>focusing 15:53<br>folks 38:33,49<br>foods 3:25<br>force 27:13<br>forget 34:13<br>form 25:47<br>forward 2:29<br>37:25<br>found 4:11<br>27:29 28:17<br>four 19:51<br>frequently 6:31<br>fresh 3:23<br>friend 33:39<br>function 14:33<br>funding 5:35,45<br>7:37,43 10:31<br>10:33<br>funds 8:25,47,49<br>9:9,13,19,43<br>10:49,53 12:33<br>12:35,41 13:9<br>22:11<br>further 40:33 | <b>H</b><br>handle 39:11<br>happen 19:23<br>happened 6:53<br>happens 32:41<br>32:41 35:45   |

BIRMINGHAM REPORTING SERVICE

(205) 326-4444



12/21/2017

Page 43

|                  |                  |                  |                 |                  |
|------------------|------------------|------------------|-----------------|------------------|
| hazard 35:13     | interested 40:39 | 38:15            | 31:25 35:13,13  | 34:35 38:9       |
| hazardous 7:15   | issue 37:51      | levels 30:11     | 37:41           | number 16:31     |
| hazards 34:15    | issues 7:15,21   | leverage 11:33   | mechanisms      | 22:23 37:41      |
| health 3:23      | <hr/> <b>J</b>   | liability 28:39  | 28:43           | <hr/> <b>O</b>   |
| hear 9:33        | job 35:53        | 29:9,15,23       | mess 9:17       | objectives 9:25  |
| heard 15:43      | JOINT 1:25       | 30:21 33:31      | met 38:47       | 12:9             |
| hearing 34:29    | justice 4:21,29  | liable 28:35     | mixed 16:29     | occurs 33:45     |
| heavily 30:49    | <hr/> <b>K</b>   | 29:19            | money 12:15     | official 37:13   |
| help 2:19,27     | keep 14:47       | life 3:47        | 13:35 18:25     | Oh 21:17         |
| 5:35 9:19,23     | 38:13            | limited 12:13    | 23:23 25:29     | okay 17:31       |
| 25:39,53 26:51   | kick 22:21 29:23 | line 34:43       | monies 8:23     | 18:29 32:45      |
| 27:11 36:21,39   | kin 40:35        | link 8:27 11:21  | Moore 10:41     | once 27:47       |
| 37:11,15         | kind 5:45 7:11   | list 7:51 10:53  | 13:51 37:29     | 37:51,53         |
| helpful 28:21    | 14:51 15:25,47   | 13:17            | motivator 27:31 | ones 24:43       |
| helping 16:41    | 22:29 29:25      | litigate 25:21   | 28:21           | ongoing 3:29     |
| 26:27            | 34:41 37:11      | litigation 26:35 | move 2:27 37:23 | ooh 9:15 30:25   |
| helps 8:35 9:29  | kinds 8:23       | little 29:33     | <hr/> <b>N</b>  | operating 14:27  |
| high 28:27       | know 8:9,11      | 31:27            | name 34:13      | 14:35 15:21      |
| hits 35:39       | 9:31 13:49       | live 34:21,23    | Nancy 1:53      | order 9:47 11:9  |
| hold 25:31       | 15:25 19:41      | local 36:39      | 40:51           | 12:31 14:49      |
| hopeful 25:37    | 22:49 24:49      | long 12:43,49    | national 7:51   | 19:21,23 28:37   |
| 25:43            | 25:27,33 26:23   | 25:23 36:13      | 13:17           | organization 7:9 |
| hopefully 11:53  | 27:21 28:13,41   | 37:37,39         | need 26:43      | organize 32:9    |
| hoping 5:33      | 29:9 30:47       | long-term 10:11  | 35:27           | overstatement    |
| 26:29            | 31:37 32:21,21   | look 2:51 5:43   | needed 26:23    | 29:51            |
| housing 3:25     | 32:27,35,45,47   | 6:29 8:9,21      | needs 2:23 8:29 | <hr/> <b>P</b>   |
| HUD 9:13 10:31   | 33:39,53 34:9    | 9:15 15:21       | 17:31 23:49     | Pannell 1:53     |
| huh-uh 27:17,19  | 34:31,33,41,47   | 18:51 36:9       | 26:47 36:33,35  | 40:51            |
| <hr/> <b>I</b>   | 34:47 35:11,39   | looking 16:9     | negative 27:19  | part 3:41 20:37  |
| idea 2:11        | 35:41,45 36:11   | lot 9:29 10:39   | 27:19           | 21:41 33:13,35   |
| identify 7:13    | 36:11,49 37:39   | 26:33 27:37      | neighbor's      | particular 14:9  |
| 17:19            | 38:19,27,45      | 29:33 30:51,53   | 15:33           | parties 2:25     |
| impacted 4:31    | <hr/> <b>L</b>   | 36:37            | neighborhoods   | 8:15,25 11:35    |
| impacts 26:21    | law 15:21        | <hr/> <b>M</b>   | 6:33            | 13:31 17:53      |
| important 19:49  | learn 2:53       | major 5:35       | neither 40:35   | 23:47 29:49      |
| Inaudible 24:53  | learned 27:39    | making 6:39      | North 2:45      | 31:43 40:37      |
| individuals      | left 19:37       | 15:23 37:15      | notice 18:37    | partners 8:47    |
| 13:27 34:21      | Legislator 38:43 | manage 14:31     | notified 19:9   | 20:9             |
| industrial 33:51 | Legislature      | Management       | NPL 2:13 7:51   | pay 16:41 18:13  |
| industrialized   | 19:33            | 20:25            | 9:47 10:11,31   | 21:11 30:27      |
| 30:51            | let's 26:41,43   | matter 29:41     | 10:53 12:31,33  | 33:11,17         |
| information      | letters 18:37    | mean 9:29,31,35  | 13:11 15:53     | paying 19:45     |
| 34:43            | 30:45            | 11:11 15:45      | 19:21 21:47     | payment 22:29    |
| initially 13:49  | level 36:39      | 16:13 27:41      | 27:13,31,33,41  | 24:21            |
| inner 5:19       |                  | 29:11 30:41      | 27:49 33:43     |                  |

12/21/2017

Page 44

|                         |                         |                         |                        |                         |
|-------------------------|-------------------------|-------------------------|------------------------|-------------------------|
| payments 22:27          | <b>PRIVILEGED</b>       | real 38:49              | responsible 2:25       | 15:17,27,37             |
| penalties 28:27         | 1:25                    | realize 30:49           | 13:31 16:41            | 16:23,45,53             |
| penny 31:31             | probably 7:41           | really 2:33,49          | 17:21,53 23:47         | 17:25,35,43             |
| people 4:43 9:35        | problem 16:39           | 5:13,21 26:9            | 29:47,49 31:43         | 18:29,41,45             |
| 28:23 30:11,19          | 16:43 30:23             | 32:25 34:47             | <b>rest</b> 2:23       | 19:11,15 20:11          |
| 35:39 39:11             | problems 6:33           | 37:33                   | <b>result</b> 6:53     | 20:15,27,31,41          |
| percent 21:15           | 39:33                   | <b>recognition</b> 30:9 | <b>results</b> 40:39   | 21:37,49 22:15          |
| 21:27,33 22:21          | <b>process</b> 2:51     | <b>recording</b> 40:27  | <b>reused</b> 28:15    | 22:35,43 23:9           |
| 22:37 23:17             | 3:29,53 5:21            | <b>Recovery</b> 14:37   | <b>revitalization</b>  | 23:29,51 24:15          |
| 24:13 30:21,27          | 14:11                   | <b>refer</b> 6:49       | 36:25                  | 24:23,31,39             |
| 30:29                   | <b>properties</b> 10:13 | <b>regardless</b> 35:15 | <b>revitalize</b> 5:35 | 25:11,19,41,49          |
| <b>percentage</b>       | 10:23 28:13             | <b>region</b> 19:51     | 25:53 26:27            | 26:13,37,45             |
| 21:11                   | 33:37 35:29             | <b>regional</b> 6:37    | <b>revitalizing</b>    | 27:9,21,35              |
| <b>perception</b>       | 36:41 37:39             | <b>relates</b> 15:41    | 27:51                  | 28:29,45,53             |
| 27:43                   | <b>property</b> 15:33   | 34:27                   | <b>right</b> 3:17,33   | 29:35,43 30:15          |
| <b>permit</b> 14:27,39  | 33:53 34:23,25          | <b>relationship</b>     | 4:15 5:27 6:17         | 30:33,41 31:9           |
| <b>person</b> 38:19     | 34:27 35:19             | 19:53                   | 7:17 8:19,51           | 31:21,37 32:19          |
| <b>piece</b> 5:15       | 36:15 38:15,23          | <b>remedial</b> 12:27   | 8:51 10:27             | 32:51 33:23,33          |
| <b>place</b> 11:37      | 38:23 39:11,13          | 12:31,39 13:9           | 13:13,19,21,37         | 35:9,23,31,49           |
| 36:33,35                | <b>property's</b>       | 17:17 22:9,13           | 14:17,23 15:17         | 36:17,27,43,51          |
| <b>places</b> 4:11      | 34:31,37                | 23:19                   | 16:9,23,53             | 37:19,27 38:51          |
| <b>plan</b> 3:17 32:31  | <b>proposing</b> 2:11   | <b>remedy</b> 32:35     | 18:41 19:11            | 39:15,19,25,35          |
| <b>point</b> 31:49 38:9 | <b>protect</b> 35:53    | 32:45                   | 20:11,41 21:21         | <b>rubber</b> 35:39     |
| <b>policy</b> 20:39,45  | 37:15                   | <b>removal</b> 12:13    | 21:23,37,43            | <b>run</b> 12:11        |
| 21:19,39                | <b>provisions</b> 30:9  | 17:13                   | 24:15,39 25:41         | <b>S</b>                |
| <b>pollution</b> 11:35  | 30:19                   | <b>repayment</b>        | 25:49 26:45            | <b>savvy</b> 32:39      |
| 11:47                   | <b>PRP</b> 32:43        | 18:33                   | 29:43 31:51            | <b>saying</b> 10:43     |
| <b>portion</b> 25:33    | <b>public</b> 35:53     | <b>representative</b>   | 32:21 35:49,49         | 11:11 19:29             |
| 28:39                   | <b>pulled</b> 24:47     | 10:41 13:51             | 36:43 38:33            | 27:23 29:27             |
| <b>possibilities</b>    | <b>purpose</b> 28:15    | 19:19 37:29             | 39:15                  | 31:25 38:29             |
| 23:45                   | <b>pursue</b> 18:31     | <b>required</b> 20:47   | <b>ring</b> 8:11,17    | <b>science</b> 31:15    |
| <b>possibly</b> 25:23   | <b>put</b> 11:35 31:25  | 20:51 21:9,25           | <b>road</b> 35:39      | <b>seat</b> 19:19       |
| <b>posture</b> 2:21     | <b>Q</b>                | <b>requirement</b>      | <b>ROBINSON</b>        | <b>see</b> 6:29,29 8:23 |
| <b>potentially</b>      | quality 3:47            | 7:49                    | 2:15,39 3:11           | 15:33 24:41             |
| 13:29 16:39             | <b>question</b> 9:41    | <b>requires</b> 14:47   | 3:31,39,51             | <b>self</b> 34:49 35:9  |
| 17:21,51 23:45          | 21:45                   | 18:11 33:27             | 4:15,23,45,53          | <b>sell</b> 34:41       |
| <b>pound</b> 31:33      | <b>questions</b> 13:47  | <b>residential</b>      | 5:27,39,53             | <b>send</b> 18:45,49    |
| <b>power</b> 6:13,51    | 15:39 31:39             | 35:43,47                | 6:17,23,43             | 18:51                   |
| 7:29                    | <b>R</b>                | <b>residents</b> 33:49  | 7:17,23,35             | <b>separate</b> 26:11   |
| <b>preference</b>       | R 40:9                  | <b>Resource</b> 14:35   | 8:19,31,39,51          | <b>serves</b> 27:51     |
| 17:39                   | <b>rates</b> 36:47      | <b>resources</b> 5:23   | 9:27,53 10:17          | <b>sets</b> 17:49       |
| <b>presence</b> 11:25   | <b>RCRA</b> 14:15,39    | 7:31 25:21              | 10:25,37 11:27         | <b>shape</b> 8:45       |
| <b>pretty</b> 28:27,41  | <b>reached</b> 7:9      | <b>respond</b> 28:35    | 11:39,49 12:21         | <b>share</b> 20:39      |
| <b>pride</b> 19:51      | <b>read</b> 4:19        | <b>response</b> 12:17   | 12:37,47,53            | 21:35 22:21,39          |
| <b>Priorities</b> 13:17 |                         | <b>responsibility</b>   | 13:13,21,37,43         | 23:17 24:13             |
| <b>private</b> 8:15     |                         | 25:9,13,31              | 14:17,41 15:9          |                         |



12/21/2017

Page 45

|                   |                  |                  |                 |                  |
|-------------------|------------------|------------------|-----------------|------------------|
| 29:21             | stay 7:39        | technology       | 4:45,53 5:39    | wanted 9:39      |
| show 22:41        | step 19:17       | 32:37            | 5:49 6:23,43    | 31:41 34:45,47   |
| showing 27:49     | stimulates 28:19 | tell 32:11 33:35 | 7:23,35 8:31    | waste 7:15 14:33 |
| sign 2:27 19:25   | Stockham 34:9    | tells 17:51      | 8:39 10:25      | way 3:45 4:41    |
| 33:19             | stop 3:31        | Ten 21:15        | 11:27,39,49     | 8:27 10:47,51    |
| signed 18:35      | stopper 22:39    | tend 29:49       | 12:21,37 14:41  | 16:25,33 26:47   |
| signing 19:45     | 22:41            | term 12:45,49    | 15:9 16:45      | 29:29 36:11,21   |
| site 6:15 7:47    | strong 28:41     | terms 3:23 5:29  | 17:25,43 21:29  | ways 22:25,47    |
| 14:47,51 16:11    | studies 27:49    | testing 31:17    | 21:49 22:15,43  | 39:31            |
| 17:31 21:47       | 32:27            | theory 36:39     | 23:9,29,51      | we'll 23:43      |
| 25:53 27:47       | study 33:11      | thing 2:31 6:47  | 24:23,31 25:15  | we're 5:17 15:19 |
| 34:17             | stuff 33:31      | 10:9 27:45       | 26:13,37 28:29  | 19:25,35,43,43   |
| sites 12:27 20:45 | 39:23            | 29:47 31:9       | 28:45 29:35     | 19:45 23:25      |
| 27:39             | Superfund 2:11   | 38:17,37         | 30:33 31:21,53  | 24:17,27,35      |
| situation 25:23   | 2:33 3:45 6:15   | things 3:21 4:37 | 32:15,51 33:23  | 25:35,43 26:21   |
| slither 38:33     | 7:9,15,47        | 7:45 9:33,37     | 33:33 35:23,33  | 26:29            |
| smaller 12:19     | 11:21 16:11,27   | 27:39 36:37      | 36:17,27,51     | we've 27:39      |
| smart 30:25       | 16:33 17:49      | 37:11            | 37:19 38:51     | 38:47,47 39:9    |
| sorry 21:21,41    | 18:23 24:49      | think 2:31 19:47 | 39:25,35        | willing 17:33,35 |
| sort 33:29        | 28:19 29:31      | 25:35 31:47      | understand      | 30:27            |
| sources 8:23      | 33:13,43 34:35   | 36:9 37:49       | 22:31 29:25     | work 2:23 18:27  |
| 9:21 16:31        | 37:47,53 38:27   | 39:29            | 35:11           | 19:39 22:25,31   |
| south 22:53       | Superfund's      | thought 30:43    | unison 9:51     | 22:49 23:35      |
| spend 12:15       | 32:35            | tied 7:45 10:31  | use 12:31 18:19 | 25:47 26:31      |
| 22:11 23:41       | sure 15:23 34:47 | 10:33            | 18:23,25 23:37  | 28:37 33:29      |
| spending 23:23    | 37:15            | time 33:41,43    | 25:21           | 36:35 39:31      |
| spreading 14:51   | surrounding      | 36:15            | usually 22:39   | worked 38:49     |
| stages 32:41      | 15:47            | times 10:39      | 32:9 33:45,51   | 39:9             |
| standard 17:49    | sustain 35:19    | 38:47            |                 | working 5:17     |
| standpoint        | sustainable      | transcribed      | V               | works 16:27,35   |
| 37:13             | 36:47            | 1:23,51,53       | value 34:27     | 29:31            |
| start 4:49 6:13   |                  | 40:27            | 38:15           | worth 34:31,37   |
| state 13:39,41    | T                | transcript 40:25 | values 35:19    | 38:23            |
| 13:45 19:17,23    | T 40:9,9         | true 40:27       | 36:15 39:13     | wrong 33:41      |
| 19:39,53 20:39    | table 2:25 11:45 | try 4:41 7:29,41 | Valve 34:11     |                  |
| 22:19 24:11,19    | 17:29            | 9:23 11:45       | various 8:25    | X                |
| 40:15             | take 22:27,29    | 31:41            | viable 36:47    | XXX 23:35        |
| stated 10:45,47   | 23:47 36:33,35   | trying 38:39     | visible 6:39    |                  |
| 13:27 19:19       | talk 24:19       | TUSCALOOSA       | vision 8:37     | Y                |
| statements        | talking 3:21     | 40:17            |                 | yeah 9:27 12:51  |
| 37:31             | 11:33            | two 26:11        | W               | 13:45 14:17      |
| states 22:25,31   | Tarrant 38:35    | typed 40:25      | W 40:51         | 18:49,51 19:13   |
| 22:51             | 38:37            |                  | Walter 13:53    | 21:21 22:35      |
| status 7:47       | tax 39:17,19     | U                | 16:13,49 18:53  | 25:11 27:9,9     |
| statute 14:21     | taxpayer 18:25   | uh-huh 2:15,39   | 23:25 24:43     | 27:35 29:29      |
| 20:49,53 21:27    | technical 5:31   | 3:11,35 4:23     | want 3:21 32:49 | 30:15,15 31:9    |

12/21/2017

Page 46

|                      |   |  |  |  |
|----------------------|---|--|--|--|
| 31:29,29,35<br>37:27 | 30:47 31:11,29<br>31:35,47 32:15<br>32:29 |  |  |  |
| <b>Z</b>             | 2017 1:51                                 |  |  |  |
| <b>0</b>             | 21 1:51                                   |  |  |  |
| <b>1</b>             | <b>3</b>                                  |  |  |  |
| 1 12:9,19,43 3:15    | 3 6:11,19,27,47                           |  |  |  |
| 3:35,49 4:9,17       | 7:19,27 11:15                             |  |  |  |
| 4:27,49 5:11         | 12:51 13:33                               |  |  |  |
| 5:29,49 7:53         | 14:13 18:35,43                            |  |  |  |
| 8:21,35,43,53        | 18:49 19:13                               |  |  |  |
| 11:19,31,43,53       | 21:9 25:35,43                             |  |  |  |
| 12:25 13:19          | 25:51 26:17,41                            |  |  |  |
| 14:25,45 15:13       | 26:51 38:45                               |  |  |  |
| 15:19,31 16:17       | 39:9,17,21,29                             |  |  |  |
| 16:25,49 17:9        | <b>4</b>                                  |  |  |  |
| 17:29,37,47          | <b>5</b>                                  |  |  |  |
| 18:31 20:47          | <b>6</b>                                  |  |  |  |
| 21:15,29,43,53       | <b>7</b>                                  |  |  |  |
| 22:19,37,47          | <b>8</b>                                  |  |  |  |
| 23:13,33 24:9        | <b>9</b>                                  |  |  |  |
| 24:17,27,35,53       | 9/30/18 40:53                             |  |  |  |
| 25:15 27:17,25       |   |  |  |  |
| 27:29,37 28:33       |   |  |  |  |
| 28:49 29:29,39       |   |  |  |  |
| 29:45 30:17,37       |   |  |  |  |
| 31:31,53 32:25       |   |  |  |  |
| 32:33 33:9,27        |   |  |  |  |
| 34:51 35:17,27       |   |  |  |  |
| 35:37,51 36:21       |   |  |  |  |
| 36:31,45 37:9        |   |  |  |  |
| 37:23                |   |  |  |  |
| 10 21:27,33          |   |  |  |  |
| 22:21,37 23:17       |   |  |  |  |
| 24:13 30:21,27       |   |  |  |  |
| 30:29                |   |  |  |  |
| <b>2</b>             |   |  |  |  |
| 2 10:9,21,29         |   |  |  |  |
| 12:43 13:11,15       |   |  |  |  |
| 13:29,39 14:19       |   |  |  |  |
| 16:19 19:47          |   |  |  |  |
| 20:13,21,29,35       |   |  |  |  |
| 20:43,51 21:17       |   |  |  |  |
| 21:33,39 27:27       |   |  |  |  |

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